

Notice of Allowability

Application No.

10/717,630

Examiner

Matthew J. Daniels

Applicant(s)

ELOO, MICHAEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview held 2 October 2006 and the reply filed 21 July 2006.
2. ☒ The allowed claim(s) is/are 1-8, 16-22 and 24-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060822.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Suzin Bailey on 2 October 2006.

The application has been amended as follows:

1. A method for processing polyethylene terephthalate polymers into pellets using an apparatus including an underwater pelletizer and a dryer, said method comprising:

extruding strands of polyethylene terephthalate polymer through a die plate for cutting in said underwater pelletizer;

cutting the polyethylene terephthalate polymer strands into pellets in a cutting chamber of said pelletizer;

transporting said polyethylene terephthalate pellets out of said cutting chamber as a water and pellet slurry; and

injecting a high velocity gas into said water and pellet slurry to convert the water into a water vapor mist and enhance the speed of the pellets into and out of said dryer, with said pellets retaining sufficient internal heat upon exiting said dryer for crystallization of said pellets, [without a second heating stage.]; and

crystallizing said pellets after exiting said dryer without a second heating stage.

16. A method for processing crystallizing polymeric materials into pellets, which comprises:

extruding into strands a crystallizing polymeric material having sufficient heat for

crystallization;

cutting the extruded strands into pellets in a water stream;

transporting said pellets in said water stream as a water and pellet slurry; [and]

injecting an inert gas at a high velocity into said pellet and water slurry such that said pellets retain sufficient heat for crystallization of said polymeric material [without a second heating stage.];

drying said pellets in a dryer; and

crystallizing said pellets after exiting said dryer without a second heating stage.

Double Patenting

2. If a “provisional” nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. See MPEP 804(B)(1). The claims of this application were provisionally rejected over later filed application 10/954,349, which claims priority to the instant application. The provisional nonstatutory obviousness-type double patenting rejections set forth previously are withdrawn.

Claim Rejections - 35 USC § 103

3. Rejections set forth previously under this section are withdrawn.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest the subject matter of Claim 1, particularly the steps of injecting a high velocity gas into said water and pellet slurry to convert the water into a water vapor mist and enhancing the speed of the pellets into and out of said dryer, with said pellets retaining sufficient internal heat upon exiting said dryer for crystallization of said pellets, and crystallizing said pellets after exiting said dryer without a second heating stage. Balint and Bonner teach that a second heating stage is required. Ekart crystallizes the pellets in the crystallizer pipes (Fig. 2, Items 8 and 9), but does not teach crystallizing the pellets after exiting said dryer without a second heating stage

The prior art does not teach or fairly suggest the subject matter of Claim 16, particularly the steps of injecting an inert gas at a high velocity into said pellet and water slurry such that said pellets retain sufficient heat for crystallization of said polymeric material, drying said pellets in a dryer, and crystallizing said pellets after exiting said dryer without a second heating stage. Balint and Bonner teach that a second heating stage is required. Ekart crystallizes the pellets in the crystallizer pipes (Fig. 2, Items 8 and 9), but does not teach crystallizing the pellets after exiting said dryer without a second heating stage.

The prior art does not teach or fairly suggest the subject matter of Claim 24, particularly the steps of introducing a high velocity inert gas into the water and pellet slurry in the

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transportation piping to separate the water from the pellets and transporting all of the water and pellets into a centrifugal dryer located downstream of the gas introduction, the pellets exiting the dryer with sufficient internal heat for crystallization of the pellets. Balint and Ekart do not teach the separation, transporting all of the water and pellets into a centrifugal dryer located downstream of the gas introduction. Bonner teaches removing the water (Fig. 3), and thus does not teach transporting all of the water and pellets into a centrifugal dryer located downstream of the gas introduction.

Additionally, WO 03/037588, DE 10209149, and USPN 5609892 have been reconsidered, but there is no teaching or fair suggestion of the gas injection and crystallization of Claims 1 and 16 or the polyethylene terephthalate and pellets exiting a centrifugal dryer with sufficient internal heat for crystallization of the pellets recited by Claim 24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJD 10/2/06




CHRISTINA JOHNSON
PRIMARY EXAMINER
10/4/06